

Maine Revised Statutes
Title 32: PROFESSIONS AND OCCUPATIONS
Chapter 28: MANUFACTURERS, DISTRIBUTORS
AND DEALERS OF BEVERAGE CONTAINERS

§1862. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following words and phrases shall have the following meanings. [1975, c. 739, §16 (NEW).]

1. Beverage. "Beverage" means beer, ale or other drink produced by fermenting malt, spirits, wine, hard cider, wine coolers, soda or noncarbonated water and all nonalcoholic carbonated or noncarbonated drinks in liquid form and intended for internal human consumption, except for unflavored rice milk, unflavored soymilk, milk and dairy-derived products.

A. [1989, c. 585, Pt. D, §2 (RP); 1989, c. 869, Pt. C, §12 (AFF).]
[2009, c. 110, §1 (AMD) .]

2. Beverage container. "Beverage container" means a bottle, can, jar or other container made of glass, metal or plastic that has been sealed by a manufacturer and at the time of sale contains 4 liters or less of a beverage. This term does not include a container composed, in whole or in part, of aluminum and plastic or aluminum and paper in combination as long as the aluminum content represents 10% or less of the unfilled container weight, the container materials represent 5% or less of the total weight of the container and its contents, and the container is filled with a nonalcoholic beverage.

[1993, c. 591, §1 (AMD); 1993, c. 591, §5 (AFF) .]

2-A. Commingling agreement. "Commingling agreement" means an agreement between 2 or more initiators of deposit allowing the beverage containers for which they have initiated deposits to be commingled by dealers and redemption centers, as described in section 1866-D.

[2003, c. 499, §1 (NEW) .]

3. Commissioner. "Commissioner" means the Commissioner of Agriculture, Conservation and Forestry.

[1979, c. 731, §19 (AMD); 2011, c. 657, Pt. W, §6 (REV) .]

4. Consumer. "Consumer" means an individual who purchases a beverage in a beverage container for use or consumption.

[1975, c. 739, §16 (NEW) .]

5. Dealer. "Dealer" means a person who sells, offers to sell or engages in the sale of beverages in beverage containers to a consumer, including, but not limited to, an operator of a vending machine containing beverages in beverage containers.

[1975, c. 739, §16 (NEW) .]

6. Department. "Department" means the Department of Agriculture, Conservation and Forestry.

[1979, c. 731, §19 (AMD); 2011, c. 657, Pt. W, §5 (REV) .]

7. Distributor. "Distributor" means a person who engages in the sale of beverages in beverage containers to a dealer in this State and includes a manufacturer who engages in such sales.

[1975, c. 739, §16 (NEW) .]

7-A. Hard cider. "Hard cider" means a beverage produced by fermentation of the juice of fruit, including, but not limited to, flavored, sparkling or carbonated cider that contains not less than 1/2 of 1% alcohol by volume and not more than 7% alcohol by volume.

[2009, c. 110, §2 (NEW) .]

8. In this State. "In this State" means within the exterior limits of the State of Maine and includes all territory within these limits owned by or ceded to the United States of America.

[1975, c. 739, §16 (NEW) .]

8-A. Initiator of deposit or initiator. "Initiator of deposit" or "initiator" means a manufacturer, distributor or other person who initiates a deposit on a beverage container under section 1863-A.

[2003, c. 499, §2 (AMD) .]

8-B. Local redemption center. "Local redemption center" means a place of business that deals in acceptance of empty returnable beverage containers from either consumers or from dealers, or both, and that must be licensed under section 1871-A.

[2001, c. 661, §2 (NEW) .]

9. Manufacturer. "Manufacturer" means a person who bottles, cans or otherwise places beverages in beverage containers for sale to distributors or dealers.

[1975, c. 739, §16 (NEW) .]

9-A. Nonrefillable. "Nonrefillable" means a beverage container which, after being used by a consumer, is not to be reused as a beverage container by a manufacturer.

[1979, c. 462, §1 (NEW) .]

10. Operator of a vending machine. "Operator of a vending machine" means an owner of a vending machine, the person who refills it, or the owner or lessee of the property upon which it is located.

[1975, c. 739, §16 (NEW) .]

11. Person. "Person" means an individual, partnership, corporation or other legal entity.

[1975, c. 739, §16 (NEW) .]

12. Premises. "Premises" means the property of the dealer or his lessor on which the sale is made.

[1975, c. 739, §16 (NEW) .]

12-A. Refillable. "Refillable" means a beverage container which, after being used by a consumer, is to be reused as a beverage container at least 5 times by a manufacturer.

[1979, c. 462, §2 (NEW) .]

12-B. Spirits. "Spirits" has the same meaning as in Title 28-A, section 2.

[1989, c. 585, Pt. D, §§3, 11 (NEW); 1989, c. 869, Pt. C, §12 (AFF) .]

12-C. Unflavored soymilk. "Unflavored soymilk" means any liquid containing no additional flavoring ingredients and intended for internal human consumption, the primary protein source of which is soy protein derived from whole soybeans, isolated soy protein, soy protein concentrate, soy flour, spray-dried tofu or spray-dried soymilk.

[1991, c. 304, §2 (NEW) .]

12-D. Rice milk. "Rice milk" means any liquid intended for internal human consumption of which the primary protein source is rice protein derived from partially milled brown rice.

[1993, c. 77, §2 (NEW) .]

12-E. Reverse vending machine. "Reverse vending machine" means an automated device that uses a laser scanner and microprocessor to accurately recognize the universal product code on containers and to accumulate information regarding containers redeemed, enabling the reverse vending machine to accept containers from redeemers and to issue script for the containers' refund value. "Reverse vending machine" does not include a hand scanner or other similar device.

[2007, c. 299, §1 (AMD) .]

13. Use or consumption. "Use or consumption" means the exercise of any right or power over a beverage incident to the ownership thereof, other than the sale, storage or retention for the purpose of sale of a beverage.

[1975, c. 739, §16 (NEW) .]

14. Wine. "Wine" has the same meaning as in Title 28-A, section 2, except, that for the purposes of this chapter, "wine" does not include wine coolers.

[1989, c. 585, Pt. D, §§3, 11 (NEW); 1989, c. 869, Pt. C, §12 (AFF) .]

15. Wine cooler. "Wine cooler" means a beverage of less than 8% alcohol content by volume consisting of wine and:

A. Plain, sparkling or carbonated water; and [1989, c. 585, Pt. D, §§3, 11 (NEW); 1989, c. 869, Pt. C, §12 (AFF).]

B. Any one or more of the following:

- (1) Fruit juices;
- (2) Fruit adjuncts;
- (3) Artificial or natural flavors or flavorings;
- (4) Preservatives;
- (5) Coloring; or
- (6) Any other natural or artificial blending material. [1989, c. 585, Pt. D, §§3, 11 (NEW); 1989, c. 869, Pt. C, §12 (AFF).]

[1989, c. 585, Pt. D, §§3, 11 (NEW); 1989, c. 869, Pt. C, §12 (AFF) .]

SECTION HISTORY

1975, c. 739, §16 (NEW). 1979, c. 462, §§1,2 (AMD). 1987, c. 275, §§1,2 (AMD). 1987, c. 543, §§1,2 (AMD). 1987, c. 649, §1 (AMD). 1989, c. 585, §§D2-4,D11 (AMD). 1989, c. 869, §C12 (AFF). 1991, c. 304, §§1,2 (AMD). 1993, c. 72, §1 (AMD). 1993, c. 77, §§1,2 (AMD). 1993, c. 591, §1 (AMD). 1993, c. 591, §5 (AFF). 2001, c. 661, §2 (AMD). 2003, c. 499, §§1-3 (AMD). 2007, c. 299, §1 (AMD). 2009, c. 110, §§1, 2 (AMD). 2011, c. 657, Pt. W, §§5, 6 (REV).

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